

Notice of Allowability

Application No.

10/538,825

Examiner

Derek S. Chapel

Applicant(s)

YE, CHUN

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/4/2006.
2. ☒ The allowed claim(s) is/are 1-18 and 20-66 (renumbered 1-65).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status Of Claims

1. This Office Action is in response to an amendment received 12/4/2006 in which Applicant lists claim 19 as being cancelled, claims 1-2, 4, 7-18, 20-21, 23-29, 35-36, 38, 43, 60-62 and 64-65 as being 'previously amended', and claims 3, 5-6, 22, 30-34, 37, 39-42, 44-59, 63 and 66 as being 'currently amended'. It is interpreted by the examiner that claims 1-18 and 20-66 are pending.

It is noted by the examiner that the status identifier "previously amended" is not proper and has therefore been corrected to read --previously presented-- by the examiner's amendment below.

Oath/Declaration

2. The new oath or declaration submitted 12/4/2006 is acknowledged and accepted. The objection to the oath or declaration cited in the office action mailed 10/23/2006 is hereby withdrawn.

Specification

3. Amendments to the abstract submitted 12/4/2006 are acknowledged and accepted. The objection to the abstract cited in the office action mailed 10/23/2006 is hereby withdrawn.

4. Amendments to the specification submitted 12/4/2006 are acknowledged and accepted. The objection to the specification cited in the office action mailed 10/23/2006 is hereby withdrawn.

Claim Objections

5. Amendments to the claims submitted 12/4/2006 are acknowledged and accepted. The objections to claims 3, 6-18 and 20-58 cited in the office action mailed 10/23/2006 are hereby withdrawn.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- a) The status identifiers for claims 1-2, 4, 7-18, 20-21, 23-29, 35-36, 38, 43, 60-62 and 64-65 have been changed from "Previously amended" to --Previously presented--.
- b) Change "polaration" to --polarization-- after "said" at the beginning of line 12 of claim 1.

Allowable Subject Matter

7. Claims 1-18 and 20-66 are allowed.
8. The following is an examiner's statement of reasons for allowance:

See the reasons for allowance for claims 1 and 6 stated in the office action mailed 10/23/2006. Claims 2-5 are dependent from claim 1 and are therefore allowable for at least the same reason as claim 1. Claims 7-18 and 20-58 are dependent from claim 6 and are therefore allowable for at least the same reason as claim 6.

Claim 59 is allowable for the same reasons that claim 6 was indicated to be allowable in the office action mailed 10/23/2006. Claims 60-66 are dependent from claim 59 and are therefore allowable for at least the same reason as claim 59.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Chapel whose telephone number is 571-272-8042. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Deretz Chapal

DSC

10/8/2006

Arnel Lavarias
ARNEL LAVARIAS
PRIMARY PATENT EXAMINER